

SUPREME COURT OF GEORGIA RECORDS RETENTION SCHEDULE

The Supreme Court of Georgia is a court of review and exercises appellate and original jurisdiction as set out in the Constitution of 1983. In addition, it performs varied administrative functions as the highest court of the State and head of the judicial branch. The records of the court, dating from its founding in 1846 until 1990 are in the Archives; those dating from 1992 have been microfilmed and the films are located in the Archives and in the Clerk's office of the Supreme Court. Current records may be found in the Supreme Court.

1. APPEALS

These records include copies of the pleadings, documents, motions, and orders filed in the trial court and designated by the attorneys to the record on appeal, and any original transcripts sent from the trial court, as well as the briefs, letters, motions, orders and opinions filed in the Supreme Court in direct appeals, granted habeas, discretionary and interlocutory applications, and granted interim appellate review. The original record and a copy of the transcript are retained in the trial court, and are governed by trial court retention schedules. The annual volume is around 600 cases.

1.1 Criminal Appeals, 1990 - [Ongoing]

Records, transcripts and briefs in all criminal appeals after 1990, including cases in which a death penalty was imposed, shall be microfilmed. Each file shall consist of cases docketed to a calendar year and shall be retained until microfilmed as follows:

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm the paper file.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

1.1a Original evidence, ex parte files. 1990 - [Ongoing]

Except in death penalty cases, original evidence and sealed ex parte files accompanying records from the trial court shall be returned as directed by the Rules of the Supreme Court of Georgia.

1.1b Original evidence, ex parte files in death penalty cases. 1990 - [Ongoing]

Unless the trial court requests their return, original evidence, copies thereof and sealed *ex parte* files in death penalty cases shall be retained by the Court in boxes. An index of cases and the contents of the boxes will be maintained on the S drive. Once the defendant is executed or given an alternative sentence, the original evidence and *ex parte* files will be returned to the trial court as provided in 1.1a, above.

1.2 Civil Appeals, 1990 - [Ongoing]

Records, transcripts and briefs in all civil appeals after 1990 shall be microfilmed. Original evidence and sealed *ex parte* files accompanying records from the trial court shall be returned as directed by the Rules of the Supreme Court of Georgia. Each file shall consist of cases docketed to a calendar year and shall be retained as follows:

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm the paper file.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

1.3 Granted habeas corpus, 1990 - [Ongoing]

This series consists of all habeas corpus appeals, including those of prisoners under a death sentence, in which a certificate of probable cause was granted. The original trial record and transcript are received from the habeas trial court and returned to that court with the remittitur. The Court retains only the documents filed in the Supreme Court, including the application, briefs, letters, motions, orders and opinion.

Documents retained by this Court in all granted habeas appeals after 1990, including death penalty cases, shall be microfilmed. Each file shall consist of cases docketed to a calendar year and shall be retained as follows:

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm the paper file retained by the Court.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

1.4 Granted petitions for certiorari, 1990 - [Ongoing]

The documents retained include the application, briefs, motions, orders and opinions filed in the Supreme Court. The record and transcript from the trial court, as well as the documents filed in the Court of Appeals, are returned to the Court of Appeals with the remittitur.

Documents retained by this Court in all granted petitions for certiorari cases shall be microfilmed. Each file shall consist of cases docketed to a calendar year and shall be retained as follows:

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm paper file retained by the Court.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

1.5 Certified question, 1990 - [Ongoing]

The documents retained include the certified question, briefs, motions, orders and opinions filed in the Supreme Court. The record and transcript from the certifying court, as well as the documents filed in that court, are returned to the certifying court with the remittitur.

Documents retained by this Court in all certified questions shall be microfilmed. Each file shall consist of cases docketed to a calendar year and shall be retained as follows:

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm paper file retained by the Court.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

2. ORIGINAL PETITIONS**Original Petitions, 1990 - [Ongoing]**

These records include the original petition and the briefs, motions, orders and opinions filed in the Supreme Court. Less than 20 original petitions are filed each year.

Documents retained by this Court in all original petitions shall be microfilmed. Each file shall consist of cases docketed to a calendar year and shall be retained as follows:

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm the paper file retained by the Court.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

3. DENIED APPLICATIONS

Denied Applications, 1974 - [Ongoing]

This series includes denied petitions for certiorari, and denied applications for discretionary and interlocutory appeal, interim review, and habeas corpus, including the applications, briefs, letters, motions, and orders filed in the Supreme Court. Records, including the briefs and opinion of the Court of Appeals, and transcripts filed with petitions for certiorari are returned to the Court of Appeals. Records and transcripts filed with applications for interim review shall be returned to the trial court with the remittitur. Granted applications are included in Number 1, above. About 800 certiorari petitions and 450 applications are filed yearly. Petitions for certiorari and applications, except habeas petitions involving defendants under death sentence and applications for interim review, should be held for one (1) year at the Supreme Court and destroyed. Such applications will not be microfilmed.

Each file shall consist of cases docketed to a calendar year and shall be retained for a period of one (1) year at the Supreme Court and destroyed.

3.1 Denied Applications for habeas corpus and interim review involving a defendant under sentence of death. 1974 - [Ongoing]

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm paper file retained by the Court.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

3.2 Denied Applications not involving defendant under death sentence. 1974 - [Ongoing]

Total retention: Retain the paper file for one (1) year.

Retention Instructions:

One (1) year at the Supreme Court.

Then destroy paper file.

Note. These records will not be microfilmed.

4. EMERGENCY MOTIONS

Emergency Motions, 1990 - [Ongoing]

Emergency motions in which no record is filed do not become direct appeals under number 1, above, but may include motions, responses, letters, orders and opinions filed in the Supreme Court. Twenty-three such motions were filed in 1993. Emergency motions which do not become appeals shall be held for one (1) year at the Supreme Court and destroyed. They will not be microfilmed. Each file shall consist of cases docketed to a calendar year and shall be retained for a period of one year at the Supreme Court and destroyed.

Total retention: Retain the paper file for one (1) year.

Retention Instructions:

One (1) year at the Supreme Court.

Then destroy paper file.

Note. These records will not be microfilmed.

5. JUDICIAL QUALIFICATION CASES

5.1 Judicial Qualifications Proceedings, 1973 - [2001]

These records consist of the proceedings, briefs, letters, motions, orders and opinions filed in the Supreme Court from proceedings initiated against judges by the Judicial Qualifications Commission. They do not appear on the docketing system. These records are stored at the Supreme Court and none has been microfilmed. Fewer than ten filings are made each year.

Total retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Retain paper copy in Court offices until sufficient quantity accumulates for microfilming.
Microfilm.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

5.2 Judicial Qualifications Proceedings, 2001 - [Ongoing]

These records consist of proceedings, briefs, letters, motions, orders and opinions filed in

the Supreme Court from proceedings initiated against judges by the Judicial Qualifications Commission. These records are docketed on the case management system and should be retained as provided for civil appeals under number 1.2. above.

5.3 Canon 6 [Georgia Code of Judicial Conduct]

Reports, 1973 - [Ongoing]

Calendar year reports of compensation received for quasi-judicial and extrajudicial activities, filed by each full-time judge, that list dates, places, nature and amount of compensation received for personal services. Reports are filed under seal and shall be available only to the Justices of the Supreme Court and members of the Judicial Qualifications Commission.

Total retention: Retain the paper file for three (3) year.

Retention Instructions:

Three (3) years at the Supreme Court.

Then destroy paper file.

Note. These records will not be microfilmed.

6. DISCIPLINARY CASES

Disciplinary Cases, 1977 - [Ongoing]

These records include the petitions, transcripts, briefs, letters, motions, orders and opinions filed in the Supreme Court from proceedings concerning the membership and status of attorneys in the State Bar. These records are stored at the Supreme Court. Approximately 150 attorney discipline orders or opinions were entered in 2002. These records shall be microfilmed.

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm paper file retained by the Court.

Transfer the original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

7. REINSTATEMENT PROCEEDINGS

Reinstatement Proceedings, 1979 - 2000

Reinstatement letters collected by the Clerk in reinstatement proceedings before the State

Bar shall be retained for three (3) years after the reinstatement petition is finally acted upon. Only one or two of these occur annually.

Total Retention: Three (3) years.

Retention Instructions:

Retain paper file three (3) years.

Then destroy paper file.

Note. These records will not be microfilmed.

8. BAR ADMISSION APPEALS

8.1 Bar Admission Appeals Written Opinions, 1978 - 2001

This series consists of appeals from adverse decisions by the Board to Determine Fitness of Bar Applicants and the Board of Bar Examiners. By order of the Supreme Court, the rules provide that these proceedings are not public records although opinions may be written and published. This category numbers less than ten a year.

Written [and published] opinions

Total Retention: Continued retention for legal and historical purposes.

Retention Instructions:

Opinions are published in the *Georgia Reports*. Dispositive orders are microfilmed as part of the administrative minutes. See number 12 below.

Records, including petitions, briefs, motions, letters and orders filed in the Supreme Court.

Return to the Office of Bar Admissions.

Note: These records will not be microfilmed by the Court.

8.2 Bar Admission Appeals, 2001 - [Ongoing]

This series consists of appeals from adverse decisions by the Board to Determine Fitness of Bar Applicants and the Board of Bar Examiners. By order of the Supreme Court, the rules provide that except for the fitness files of the Office of Bar Examiners, which remain confidential, all proceedings in the Supreme Court are public.

Retention Instructions:

Records, including petitions, briefs, motions, letters and orders filed in the Supreme Court will be microfilmed as part of the appeals files. See number 1 above. Fitness files will be returned to the Office of Bar Admissions.

9. FORMAL ADVISORY and UPL ADVISORY OPINIONS

9.1 Formal Advisory Opinions, 1987 - [Ongoing]

This series consists of the application, any responses or comments received by the Court from those who are affected or interested, and the order or opinion approving or disapproving the Formal Advisory Opinion. Approved Formal Advisory Opinions are published by the State Bar of Georgia. Orders approving or disapproving the requests for Formal Advisory Opinions will be filed as part of the Minutes. See number 12 below. The petition, comments, and other documents filed with requests to approve formal advisory opinions shall be microfilmed and then destroyed. Only a few per year are filed and acted upon.

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Retain paper copy in Court offices until sufficient quantity accumulates for microfilming.
Microfilm.

Transfer original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

9.2 UPL Advisory Opinions, 2003 - [Ongoing]

This series consists of the application, any responses or comments received by the Court from those who are affected or interested, and the order or opinion approving or disapproving the Advisory Opinion. Approved Advisory Opinions are published by the State Bar of Georgia. Orders granting review and approving or disapproving the requests for Advisory Opinions will be filed as part of the Minutes. See number 12 below. The petition, comments, and other documents filed with advisory opinions shall be microfilmed and then destroyed. Only a few per year are filed and acted upon.

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Retain paper copy in Court offices until sufficient quantity accumulates for microfilming.
Microfilm.

Transfer original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

10. PROCEEDINGS REGARDING THE FORMATION OF AND AMENDMENTS TO THE RULES GOVERNING THE STATE BAR OF GEORGIA

Bar Rules Proceedings, 1962 - [Ongoing]

The State Bar of Georgia was founded by order of the Supreme Court of Georgia in 1962. Proceedings to amend that order are filed in the Court, including notices, petitions, motions, letters, objections and comments, and orders. These records shall be maintained as part of the permanent collection of the Supreme Court and shall remain in the Clerk's office. They may be microfilmed and the paper originals destroyed. Such motions are made two or three times a year.

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Retain paper copy in Court offices until sufficient quantity accumulates for microfilming.
Microfilm.

Transfer original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

11. DOCKET BOOKS

Docket Books, 1989 - [Ongoing]

After 1989, the docket is computerized. Once cases are microfilmed, as here set out, the microfilm location of each case shall be entered onto the docket. The docket will then be transferred from computer to microfilm for permanent access and storage. Docket records are kept by the calendar year. Computer docketing of disciplinaries began in 1993. Computer docketing of JQC, bar admissions and advisory opinions began after 2000.

11.1 Docket books other than disciplinaries, 1993 - [Ongoing]

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Enter microfilm location of case file into the Docket system.

Generate Computer Out Microfilm (COM) copy of the Docket. Transfer a COM print to the Archives for permanent security storage. Maintain electronic copy of Docket for as long as administrative and public reference requires.

Then erase the electronic record.

Note. The handwritten docket books maintained from 1970 through 1992, recording the filings in every case, shall be transferred to the Archives: six (6) large docket books, forty (40) small

ones, and sever (7) applications dockets. The index to the docket, cross-referencing the pre-1992 cases by names and docket number on 3" x 5" cards, shall be retained in the Clerk's office.

11.2 Disciplinary docket books

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm paper file.

Transfer original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

12. MINUTES

Minutes, 1989 - [Ongoing]

After 1989, the administrative actions and orders of the Court may be indexed and imaged or collected electronically in some other manner. They shall nevertheless be microfilmed. Orders in cases, which are already part of a case file that will be microfilmed under this schedule and indexed as part of the microfilmed docket, see section 1 above, need not be filed or indexed as part of this series. Minutes are collected yearly.

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm paper file.

Transfer original microfilm negative to the Archives for permanent security storage.

Then destroy paper file.

Note. The 10 large, leather bound typewritten minute books maintained from 1949 through 1989 shall be transferred to the Archives.

13. ROLL BOOKS OF ATTORNEYS

Roll Books of Attorneys, 1907 - [Ongoing]

This series consists of the leather bound volumes of the signatures of attorneys admitted to practice before the Supreme Court since 1907. This series shall remain a part of the permanent collection of the Supreme Court of Georgia and shall be retained in the Clerk's office. The white 3" x 5" application cards shall also be retained by the Clerk's office.

Total Retention: Permanent retention for legal and historical purposes.

Retention Instructions:

Microfilm.

Transfer original microfilm negative to the Archives for permanent security storage.

Retain original roll books in the office of the Clerk of the Supreme Court.

14. ADMINISTRATIVE MATTERS

Administrative Files, 1977 - [Ongoing]

From time to time the Supreme Court may enter orders regarding the administration of justice. These orders shall be microfilmed as part of the minutes of the Court. See number 12 above. Related petitions, motions, documents, etc. shall be microfilmed, stored, or disposed of as appropriate. This category includes internal administrative minutes, dating from August 23, 1977, which may be indexed and imaged or collected electronically in some other manner.

15. MISCELLANEOUS CORRESPONDENCE

Miscellaneous Correspondence, 1992 - [Ongoing]

Miscellaneous correspondence with members of the public, prisoners, etc. shall be retained for three (3) years in the Clerk's office and destroyed.

Total Retention: Three (3) years.

Retention Instructions:

Retain paper copy for three (3) years.

Three (3) years at the Supreme Court.

Then destroy paper file.